IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No. 4056 of 2007

For Approval and Signature:

HONOURABLE MR.JUSTICE AKIL KURESHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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DHIRU POPATBHAI GAJERA

Versus

THE STATE OF GUJARAT

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Appearance :
DHARMESH D NANAVATY for Applicant.
MR AY KOGJE, APP for Respondent.

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CORAM : HONOURABLE MR.JUSTICE AKIL KURESHI

Date : 20/04/2007

ORAL JUDGMENT

1) Rule. Learned APP Shri Kogje waives service of rule on behalf of the respondents.

2) In this application, the applicant has sought anticipatory bail.

Criminal Complaint bearing I-C.R.No.27/2007 has been lodged against the applicant on 23rd March, 2007 before Kotda Sangani Police Station, inter alia, alleging that the applicant while discharging his duties as a Sarpanch had created fabricated documents and tried to snatch Government Kharaba land.

3) In the complaint, the complainant has stated that the offence took place some time before 15th March, 2005. No indication has been given as to why the complaint was filed after more than two years. On this ground as well as on the ground that primarily the case of the complainant rests on documents, I find that the applicant is entitled to the order of anticipatory bail. These observations are, of course, made only for deciding this application and would have no bearing on the trial, which may proceed ultimately. In the result, this application is granted by directing that in the event of applicant being arrested pursuant to I-C.R.No.27/2007 dated 23rd March, 2007 filed before Kotda Sangani Police Station, he shall be released on bail on furnishing security of Rs.10,000/- with one surety of like amount on conditions that applicant ;

[A] shall cooperate with the investigation and make himself available for interrogation whenever required.

[B] shall remain present at the concerned Police Station on 27th April, 2007 between 9 a.m. to 2 p.m. ;

[C] shall not hamper the investigation in any manner nor shall directly or indirectly make any inducement, threat or promise to any witness so as to dissuade them from disclosing such facts to the Court or to any Police Officer;

[D] at the time of execution of bond, furnish the address to the Investigating Officer and the Court concerned and shall not change the residence till the final disposal of the case or till further orders;

[E] will not leave India without the permission of the Court and, if is holding a Passport, shall surrender the same before the trial Court within a week;

[F] It would be open to the Investigating Officer to file an application for remand, if he considers it just and proper and the concerned Magistrate would decide it on merits.

[G] This order will be operative if the applicant is arrested at any time within a period of 90 days from today .

[H] Within a period of ten days from the date of arrest, the applicant shall apply for regular bail which application shall be decided by the competent Court in accordance with law without being influenced by the fact that anticipatory bail was granted.

4) With these directions, this Criminal Misc. Application is disposed of. Rule is made absolute. Direct service is permitted.

(Akil Kureshi, J.)

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